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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,081

10/31/2003

Kazuo Okada

SHO-0042

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23353

7590

03/23/2010

RADER FISHMAN & GRAUER PLLC

LION BUILDING

1233 20TH STREET N.W., SUITE 501

WASHINGTON, DC 20036

EXAMINER

THOMAS, ERIC M

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

03/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,081

Applicant(s)

OKADA, KAZUO

Examiner

Eric M. Thomas

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 6-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date 6/8/09
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This is in response to the amendments filed on 7/21/09; claims 1 – 5 have been cancelled and claims 6 – 11 have been added. Claims 6 – 11 are now pending in the current application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 - 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki et al. (U.S. 2001/0031658) in view of Jeong (U.S. 2003/0016313).

Regarding claims 6 and 8 – 10, Ozaki provides a gaming machine that includes a variable display device, wherein the display device discloses a front display device in front of the variable display device, (par. 0010), wherein the front display device may include an electrical display device that allows the variable display device to be observed, (par. 0007), a rear holder that has a front and rear face that defines a thickness that holds the electrical display device from a rear side in a facially – opposing manner, (fig. 2, part 27), wherein the rear holder having one or more windows allowing the designs of the variable display to be observed, (fig. 2, parts 27a, 27b, and 27c), which are viewed as rectangular openings that are smaller than the reel display window unit, wherein the reel display window unit displays the symbol combination through the

holder. The flat panel member as disclosed in the present invention is a machine front panel that extends across the display of the gaming machine. Ozaki further discloses a middle section, in which a front panel, (part 26 of fig. 1 and fig. 2), is fitted, wherein the front panel, the transparent EL panels, and the rear holder, (part 27 of fig. 2), are stacked to form an integrated three-layer structure (par. 0042). The examiner views the front panel as a flat panel member that is defined by an outer peripheral edge having a front face and an opposite rear face that defines a thickness there between, wherein the panel member having one or more windows, (parts 27a, 27b, and 27c), disposed internally of the outer peripheral edge and extending to and between the front and rear faces, wherein each window having a recessed portion that extends from the front face and partially into the panel member, but Ozaki is silent on the issue of the peripheral corner portions of the rear holder being removed. In a related art, however, Jeong provides a display device that teaches the removal of end portions of a guide plate or window of a display device, wherein the removal of the end portions, forms a second recessed portion which is a stepped down-portion that is larger than the first recessed portion (abstract and par. 0076). Therefore, one would be motivated to combine the teachings of Jeong into the art disclosed by Ozaki in order to make the thickness of the rear holder thinner in order to make a stepped down portion that extends from the rear side and partially into the rear holder in order to prevent the peripheral corner portions from being viewed by the player of the gaming machine.

Regarding claim 7, Ozaki provides a gaming machine that includes a variable display device, wherein the display device discloses a front display device in front of the

variable display device, (par. 0010), wherein Ozaki further discloses a semi-transparent reflective plate that is disposed between the LCD device and the back display device, wherein a light source is preferably disposed upward of the reflective plate, wherein the light emitted from the light source is reflected by the back side and passes through the reflective plate, while the light emitted from the light source is reflected by the reflective plate, (par. 0138), which is viewed by the examiner as a light guiding plate for guiding light emitted from a light source to the electrical display panel.

Regarding claim 11, Ozaki provides a gaming machine wherein the variable display device comprises one or more rotatable reels with each having a reel band which designs are drawn that is disposed internally of the gaming machine (par. 0046).

Response to Arguments

Applicant's arguments filed on 7/21/09 have been fully considered but they are not persuasive. Applicants argue "that none of the applied art, alone or in combination, teaches or suggests the features of the claims as discussed above", more specifically it is argued that the light guide plate being accommodated in the mold frame of the secondary reference of Jeong as being "different from the rear holder of the present invention in which the peripheral corner portion of the opening in the rear side is removed." The Examiner respectfully disagrees. As stated above, and in the previous office action, the Examiner does acknowledge that the primary Ozaki reference is silent on this issue, however, Jeong provides a display device that teaches the removal of end portions of a guide plate or window of a display device, wherein the removal of the end portions, forms a second recessed portion which is a stepped down-portion that is larger

than the first recessed portion (abstract and par. 0076). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the Examiner maintains that one would be motivated to combine the teachings of Jeong into the art disclosed by Ozaki in order to make the thickness of the rear holder thinner in order to make a stepped down portion that extends from the rear side and partially into the rear holder in order to prevent the peripheral corner portions from being viewed by the player of the gaming machine.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714